

BOARD MEETING MINUTES
JULY 15, 2024

A regularly scheduled meeting of the Board of Trustees was held on Monday, July 15, 2024, in the Village Hall. Mayor Dodge opened the meeting at 7:00 p.m. Also present were Trustee LePard, Trustee Barr, Trustee Holly-Eberhard, Deputy Mayor Blumrick, Coordinator Bobbitt, Sergeant Johnson, Fire Chief Ruppel, Clerk-Treasurer VanBuren, and Tom Seaman, attorney.

Trustee Barr led the Pledge of Allegiance.

There were several residents in attendance, as well.

Mayor Dodge opened the Public Hearing regarding a Local Law Amending the Water Service Termination and Reconnection Fees within the Village of Middleport at 7:01 p.m.

Deputy Mayor Blumrick offered the following resolution and moved it adoption:

LOCAL LAW NO. 4 OF THE YEAR 2024

VILLAGE OF MIDDLEPORT

COUNTY OF NIAGARA, STATE OF NEW YORK

A Local Law Amending the Water Service Termination and Reconnection Fees with in the Village of Middleport

Be it enacted by the Board of Trustees of the Village of Middleport as follows:

Village code, Chapter 196 Water, §196-10.2 shall be repealed in its entirety and replaced with the following:

§ 196-10.2 Termination and Reconnection Fees.

Whenever water service shall have been terminated pursuant to this Article or for any other reason, including request of the owner of the premises, a fee in an amount to be determined by resolution of the Village Board of Trustees, in accordance with the fee schedule under this Article, shall be paid (i) at the time of the termination of water service, and (ii) prior to the restoration of water service, to cover the expenses incurred by the Village to terminate and restore services.

This Local Law shall take effect immediately upon the filing with the Secretary of State.

Mayor Dodge closed the Public Hearing at 7:03 p.m.

The adoption of the foregoing resolution was seconded by Trustee Holly-Eberhard, and duly put to a roll-call vote.

AYES:	Daniel A. Dodge Kellie L. LePard Dorothy J. Barr Reneé Holly-Eberhard Wayne B. Blumrick
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NOES:	NONE
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ABSENT:	NONE
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The Local Law was declared adopted.

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Mayor Dodge opened the Public Hearing regarding a Local Law Related to the Control of Cats at 7:03 p.m.

William Arnold had a question and suggestions to the proposed Local Law. The first question was about the language in the Local Law. He thought that perhaps definitions of stray and feral cats be specifically stated. Attorney Seaman said that the Local Law encompasses all types of cats as stated in §63-13. His first suggestion was to include the requirement that all cats need to be spayed or neutered, and lastly, making it punishable by a fine to drop off an unwanted animal within the Village. A brief discussion ensued, and the Board decided they would take his suggestions under advisement.

Trustee LePard offered the following resolution and moved it adoption:

LOCAL LAW NO. 5 OF THE YEAR 2024
VILLAGE OF MIDDLEPORT
COUNTY OF NIAGARA, STATE OF NEW YORK

A Local Law Related to the Control of Cats

Be it enacted by the Board of Trustees of the Village of Middleport as follows:

Village code, Chapter 63 Animals shall be amended by adding the following Article III:

Article III Cats

§63-12 Licensing. (Reserved)

§63-13 Restricted acts. For purposes hereof, when any cat is in violation of the provisions of this section the owner shall be deemed to have permitted or suffered the cat to have committed such violation.

(1) No cat shall be fed outdoors or in any area which provides unfettered indoor/outdoor access within the Village of Middleport, unless such feeding is within the immediate and constant presence of the owner.

(2) It shall be unlawful for any person to feed, water or otherwise attract or create conditions in the Village of Middleport which allow cats, domesticated or feral, to accumulate on the property or otherwise endanger the health, safety and welfare of the other residents of the Village of Middleport.

(3) No owner shall permit or suffer any cat to commit a nuisance in a public highway, public building, park, or on any private property except with the consent of the owner of the property thereof.

(4) No person shall permit or allow a cat to enter upon another's property and scratch, claw or deface said property, damage lawns, flowers, bushes or shrubbery or to scatter trash or garbage placed out for collection.

(5) No person shall permit the premises, structure or enclosure in which such cat is kept to be unclean or unsanitary.

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(6) No owner shall permit a cat to deposit excrement or urine on the property of another without the prior approval of the owner of such property, unless such waste is immediately removed and properly disposed of.

(7) No owner shall permit a cat to deposit urine or excrement on the property of the Village of Middleport, including but not limited to any sidewalk, street, park, playground, or parking lot, unless such waste is immediately removed and properly disposed of.

(8) No owner shall permit a cat from causing a nuisance by howling in a habitual, consistent, or persistent manner that repeatedly disturbs the peace of the neighborhood.

§63-14 Enforcement. The Code Enforcement Officer, other individual designated by the Village Board, or any police officer may enforce the provisions of this Article.

§63-15 Penalties for offenses. A violation of this article shall constitute an offense punishable by a fine of not more than \$250 or imprisonment for not more than 15 days or both such fine and imprisonment. Each day's continued violation shall constitute a separate offense.

This Local Law shall take effect immediately upon the filing with the Secretary of State.

Mayor Dodge closed the Public Hearing at 7:17 p.m.

The adoption of the foregoing resolution was seconded by Deputy Mayor Blumrick, and duly put to a roll-call vote.

AYES:	Daniel A. Dodge Kellie L. LePard Dorothy J. Barr Reneé Holly-Eberhard Wayne B. Blumrick
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NOES:	NONE
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ABSENT:	NONE
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The Local Law was declared adopted.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, to approve the minutes of the June 17, 2024, Board meeting. Carried, with all present voting aye.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Barr, to authorize payment of claims submitted on Abstract No. 2-24/25 in the amount of: General: \$124,160.81; Water: \$22,173.17; and Sewer: \$9,563.69; for a Total of: \$155,897.67. This figure includes Payroll Nos. 2 and 3. Carried, with all present voting aye.

A motion was made by Trustee LePard, and seconded by Deputy Mayor Blumrick, to approve Payroll Nos. 2 and 3 for periods ending June 15, 2024, and June 29, 2024. Carried, with all present voting aye.

The Treasurer’s report was submitted and accepted for June 2024.

- The June revenue and expenditure reports were distributed to the Board.

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The Public Works report was submitted and accepted for June 2024.

The Village and Town Police reports were submitted and accepted for June 2024.

The fire report was submitted and accepted for June 2024.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, to authorize the purchase of four dash-mounted radar units and four handheld radar guns from Kustom Signals Inc. at the state mini bid of \$13,782.96. The purchase of this equipment will be covered by the NYS Law Enforcement Technology (LETECH) Program grant that was awarded to the Middleport Police Department. Carried, with all present voting aye.

PUBLIC COMMENT

William Arnold informed the Board that he has been attending the Town of Royalton's Planning Board meetings in regards to the proposed battery storage on Route 31. He feels that it would be highly beneficial for members of the Middleport Fire Department to attend these meetings as well since the proposed battery storage site is within their district.

CORRESPONDENCE

The Village of Barker is having their Grand Opening Ceremony for their new Village Hall and Barker Public Library on Friday, July 26, 2024, at 11:00 a.m.

A review from the Waterway Guide was read about the Village's docking area where we were given 4 out of 5 stars.

An email from village resident, David Stockton, was read.

OLD BUSINESS

Clerk VanBuren asked Attorney Seaman about the status of the employee handbook. Attorney Seaman advised that it is still under review.

NEW BUSINESS

At this time the Board briefly discussed and reviewed the Certified List of Eligible applicants for the open Police Chief position.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Barr, to appoint Roland D. Johnson to the Police Chief salaried position at an hourly rate of \$38/hour effective Monday, July 15, 2024. Carried, with all present voting aye.

Mayor Dodge has a conflict for the August Board meeting so the date has been changed to **Thursday, August 15th**, at 7:00 p.m. at the Village Hall. Clerk VanBuren will notify the newspaper as well as post it on the Village's website and the Village Hall door.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee LePard, to enter into Executive Session for the purpose of consultation with the Village's Attorney. Carried, with all present voting aye.

Executive Session opened at 8:02 p.m.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, to return to General Session. Carried, with all present voting aye.

General Session reconvened at 8:37 p.m.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Barr, waiving any and all conflicts of interest for Seaman Norris LLP to represent the Village of

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Middleport relative to the LOSAP Intermunicipal Agreement and to authorize Mayor Dodge to execute any and all documentation related thereto. Carried, with all present voting aye.

The next regularly scheduled meeting of the Board of Trustees will be held on ***Thursday, August 15, 2024***, at 7:00 p.m.

There being no other business, a motion was made by Trustee Barr, and seconded by Trustee LePard, to adjourn. Carried, with all present voting aye.

Meeting adjourned at 8:41 p.m.

Respectfully Submitted,

Lisa M. VanBuren
Clerk-Treasurer